APPENDIX A— AFFIDAVIT IN SUPPORT OF RESPONSE: JUDGMENT BY DEFAULT UNDER Fed.R.Civ.P. RULE 55(a): WRIT OF REPLEVIN TITLE 28 U.S.C. § 1651.

Case No. 98-1733

In the

Supreme Court of the United States

October Term, 1998

LARRY RITCHIE JUNIOR

Petitioner,

-vs-

BONNA GOODNIGHT [Sanitarian] et al,

Respondents,

I. Larry Ritchie Junior Petitioner deposes under pains and penalties of Perjury following:

1) Larry Ritchie Junior Petitioner is Affiant within Affidavit in Support of Response: Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Judgment by Default: Writ of Replevin under Title 28 U.S.C. § 1651.

2) Affiant's Response: Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Judgment by Default: Writ of Replevin under Title 28 U.S.C. § 1651 is made timely and in Good Faith with no just cause for delay.

3) May 13, 1999; Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Health Department [Sued as a Person] mailed Affiant written Admission of waivering rights received by Affiant May 15, 1999 of Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Health Department [Sued as a Person] waivering Rights of neglecting a Answer; Pleading or Defense against Affiant's Petition for Writ of Certiorari filed April 28, 1999. {See Confession by way of waiver presented by Respondents Bonna

Appendix A

Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Health Department [Sued as a Person] marked as "Petitioner's Exhibit A" located within Appendix B.

4) Supreme Court of United States made no Entry by way of an Order granting no Party relief by waivering a Response; Pleading or Defense against Affiant's Petition for Writ of Certiorari filed April 28, 1999.

5) Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Health Department [Sued as a Person] freely admitted by confession of neglecting an Answer, Pleading or Defense against Affiant's Petition for Writ of Certiorari filed April 28, 1999 for all averments amounting for damage within Affiant's Petition for Writ of Certiorari are true and correct.

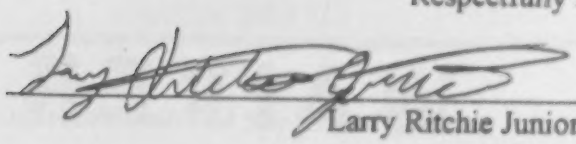
6) Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Health Department [Sued as a Person] surrendered Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Judgment by Default by Rule of Law under Fed.R.Civ.P. Rule 8(d) for Admission by Effect of Failing to deny.

7) Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Health Department [Sued as a Person] are in default for Supreme Court of United States is without Jurisdiction of offering/giving advice upon any Party for Answering, Pleading or Defending Pleadings presented before Supreme Court of United States.

8) All presentment of facts within Affiant's Affidavit in Support of Affiant's response: Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Judgment by Default: Writ of Replevin is very best of Affiant's knowledge, so help me God.

Appendix A

Respectfully Submitted,



Larry Ritchie Junior Petitioner
c/o Route 2 Box 54
Marietta, Ohio 45750

Subscribed before me under Oath/Affirmation 27 day of May, 1999

Notary

My Commission expires: AMANDA J. SHANKLAND
Notary Public
In and For The State of Ohio
My Commission Expires May 18, 2002

APPENDIX B--- **ADDENDUM** --- Waiver by Respondents

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 98-1733

LARRY RITCHIE JUNIOR (Petitioner) v. BONNA GOODNIGHT (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

☐ Please enter my appearance as Counsel of Record for all respondents.

☒ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

-- BONNA GOODNIGHT, STATE OF WEST VIRGINIA, AND MID-OHIO

-- VALLEY HEALTH DEPARTMENT

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain if your name has changed since your admission):

Signature Jeffrey K. Phillips by Stan Wood

Date: 5/13/99

(Type or print) Name Jeffrey K. Phillips

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Steptoe & Johnson

Address P O Box 1588

City & State Charleston, WV Zip 25326-1588

Phone (304) 353-8141

A COPY OF THIS FORM MUST BE SENT TO PETITIONER.

PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

SEE REVERSE FOR INFORMATION CONCERNING THE STATUS OF A CASE ON THE DOCKET.

CC:

APPENDIX C--- AFFIDAVIT OF TRUTH

Case No. 98-1733

In the

Supreme Court of the United States

October Term, 1998

LARRY RITCHIE JUNIOR

Petitioner,

-vs-

BONNA GOODNIGHT [Sanitarian] et al,

Respondents.

I. Larry Ritchie Junior Petitioner deposes under pains and penalties of Perjury following:

1) Larry Ritchie Junior Petitioner is Affiant within Affidavit of Truth.

2) Affiant's Affidavit of Truth is made timely and in Good faith with no just cause for delay.

3) May 13, 1999; Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] serviced Affiant with a Waiver of Answer, Pleading or Defense received by Affiant May 15, 1999 absent of presentment of an Order by Supreme Court of United States granting relief in favor of Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] neglecting an Answer; Pleading or Defense against Affiant's Petition for Writ of Certiorari filed April 28, 1999.

4) Supreme Court of United States is without Authority of giving legal advice in favor of any party relevant within Case Number 98-1733 entitled LARRY RITCHIE JUNIOR PETITIONER -VS- BONNA GOODNIGHT [Sanitarian] et al; RESPONDENTS.

5) Supreme Court of United States possesses Jurisdiction

Appendix C

over Subject Matter under Fed.R.Civ.P. Rule 12(b)(1) for Jurisdiction over Subject Matter within Case Number 98-1733 entitled LARRY RITCHIE JUNIOR PETITIONER -VS- BONNA GOODNIGHT [Sanitarian] et al; RESPONDENTS.

6) Supreme Court of United States possesses Jurisdiction over Parties under Fed.R.Civ.P. Rule 12(b)(2) for Jurisdiction over all Parties within Case Number 98-1733 entitled LARRY RITCHIE JUNIOR PETITIONER -VS- BONNA GOODNIGHT [Sanitarian] et al; RESPONDENTS.

7) Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] are in Default by Admission of waiver of Rights of Answering; Pleading or Defending Affiant's Petition for Writ of Certiorari filed April 28, 1999 for all averments amounting for damage are true.

8) Supreme Court of United States Practice Rule 15(2) warns of danger upon Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] neglecting an Answer; Pleading or Defense in nature of Objection for Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] is subject against Judgment by Default under Federal Rules of Civil Procedure Rule 55(a) for Entry of Judgment by Default by Rule of Law under Federal Rules of Civil Procedure Rule 8(d) for Effect of Failing to Deny.

9) Laches; Estoppel by Waiver; Estoppel In Pias and Res Judicata bars Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] by asserting an Answer; Pleading or Defense against Affiant's Petition for Writ of Certiorari.

Appendix C

8) Affiant believes very best of Affiant's knowledge Respondent Bonna Goodnight [Sanitarian] is not members of Armed Forces of United States of America.

9) Affiant believes very best of Affiant's knowledge Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] are competent.

10) All presentment of facts within Affiant's Affidavit of truth is very best of Affiant's knowledge, So help me God.

Respectfully Submitted,

Larry Ritchie Junior Petitioner
c/o Route 2 Box 54
Marietta, Ohio 45750

Subscribed before me under Oath/Affirmation 27 day of May, 1999.

Notary

My Commission expires: _____

AMANDA J. SHANKLAND
Notary Public
In and For The State of Ohio
My Commission Expires May 18, 2002

APPENDIX D --- WRIT OF PRAECIPE

Case No. 98-1733

In the

Supreme Court of the United States

October Term, 1998

LARRY RITCHIE JUNIOR

Petitioner,

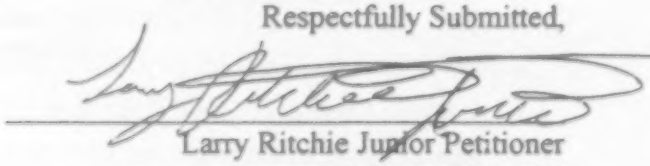
-vs-

BONNA GOODNIGHT [Sanitarian] et al,

Respondents

1) Larry Ritchie Junior Petitioner "Commands" Clerk of Court for Supreme Court of United States make an Official Entry of Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Entry of Judgment by Default against Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] for neglecting an Answer; Pleading or Defense against Larry Ritchie Junior Petitioner's Petition for Writ of Certiorari by Supreme Court Practice Rule 15(3) for required response by admission upon record of Supreme Court of United States by way of waiver.

Respectfully Submitted,



Larry Ritchie Junior Petitioner
c/o Route 2 Box 54
Marietta, Ohio 45750

APPENDIX E--- ORDER FOR ENTRY OF JUDGMENT BY DEFAULT

Case No. 98-1733

In the

Supreme Court of the United States

October Term, 1998

LARRY RITCHIE JUNIOR

Petitioner,

-vs-

BONNA GOODNIGHT [Sanitarian] et al,

Respondents

1) May 28, 1999; Larry Ritchie Junior Petitioner presented before Clerk of Court for Supreme Court of United States an Order for Entry of Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Judgment by Default against Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person].

2) Upon examination of Larry Ritchie Junior Petitioner's Pleading entitled Response: Judgment by Default under Fed.R.Civ.P. Rule 55(a) for Judgment by Default: Writ of Replevin with presentation of evidence of Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] admission of neglecting an Answer; Pleading or Defense against Larry Ritchie Junior Petitioner's Petition for Writ of Certiorari filed April 28, 1999; Clerk of Court for Supreme Court of United States finds no Order was issued by Supreme Court of United States granting relief in favor of permitting Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] neglecting an Answer; Pleading or Defense.

Appendix E

3) Clerk of Court further finds Supreme Court of United States possesses Jurisdiction over Subject Matter under Fed.R.Civ.P. Rule 12(b)(1) for Jurisdiction over Subject Matter and Jurisdiction over all Parties under Fed.R.Civ.P. Rule 12(b)(2) for Jurisdiction over Parties and finds Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio valley Health Department [Sued as a Person] are in Default upon Admission of neglecting an Answer; Pleading or Defense against Larry Ritchie Junior Petitioner's Petition for Writ of Certiorari by presentment of waiver.

4) By authority possessed by me Clerk of Court for Supreme Court of United States by Rule of Law under Fed.R.Civ.P. Rule 55(a), following Order for Judgment by Default is granted against Respondents Bonna Goodnight [Sanitarian]; State of West Virginia [Sued as a Person] and Mid-Ohio Valley Health Department [Sued as a Person] for neglecting an Answer; Pleading or Defense against Larry Ritchie Junior Petitioner's Petition for Writ of Certiorari upon admission by Fed.R.Civ.P. Rule 8(d) for Effect of Failing to Deny for Admission of all averments amounting for damage as true and correct _____ day of _____; 1999.

_____

Clerk of Court

APPENDIX F ------ RELEVANT STATUTES.

I. Provisions under 1789 Constitution of United States

1) **Amendment I** - Right of Petitioning Government for Redress of grievances.

2) **Amendment V** - Due Process of Law.

3) **Amendment XIV** - Due Process and Equal Protection and Benefit under Law.

4) **Article III Section 2** - The Judicial Power shall extend to all Cases in law and Equity, arising under this Constitution, the Laws of United States, and treaties made, under authority;- to all cases affecting Ambassadors; other Public Ministers and Consuls;- to all cases of admiralty and maritime jurisdiction;- to controversies to which the United States shall be a Party;- to controversies between two or more States;- to controversies between a State and Citizens of another State;- to controversies between citizens of different States;- between Citizens of same State claiming lands under grants of different States;- and between a State or the Citizen thereof, and foreign States, Citizens or Subjects.

II. United States Code

5) **Title 18 U.S.C. § 241- "Conspiracy"**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him be the Constitution or Laws of the United States, or because of his having so exercised the same; or

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnapping or an attempt to kidnap, aggravated sexual

abuse or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

6) **Title 18 U.S.C. § 242 - "Deprivation of Rights under Color of Law"**

Whoever, under color of any law, statute, ordinance, Regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

7) **Title 18 U.S.C. § 245 - "Federally Protected Activities"**

(b) Whoever, whether or not acting under Color of Law, by use of force willfully injuries, intimidates or interferes with, or attempts to injure, intimidate or interfere with-

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons

from - (B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administrated by United States.

8) **Title 18 U.S.C. § 872 - "Extortion"**

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both.

9) **Title 18 U.S.C. § 1505 - "Obstruction of Justice"**

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly properly made under antitrust civil process act, willfully withholds, misrepresents, removes from any place, conceals, covers-up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so, or whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, impedes, or endeavors to influence, impede or obstruct the due and proper adminstration of the law under which any pending proceeding is being had before any department or agency of the United States; or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any Committee of either House or any joint Committee of the Congress shall be fined under this Title or imprisoned not more than Five Years, or both.

10) **Title 18 U.S.C. § 1621 - "Perjury of Oath of Office"**

Whoever;

Appendix F

(1) having taken as oath before a competent tribunal, officer, or person, in any case in which a law of the united states authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

11) **Title 18 U.S.C. § 1651 - "Piracy for Robbery of Rights upon Land"**

Whoever on the high seas commits the crime of piracy as defined by Law of Nations and is afterwards brought into or found in the United States shall be imprisoned for life.

12) **Title 18 U.S.C. § 1962 - "Prohibited Activities"**

It shall be unlawful for any person through a pattern of fraud and rackeetering activity through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities which effect interstate commerce.

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which effect

interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of fraud and rackeetering activity or collection of an unlawful debt.

13) **Title 28 U.S.C. § 1257 - "State courts; Certiorari"**

Final judgments or decrees rendred by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court of the United States by writ of certiorari where the validity of a treaty or statute is drawn into question or where the validity of a statute of any state is drawn into question upon grounds of being repugnant to the Constitution, treaties, or laws of the United States, or where any title right or priviledge or immunity is specially setup or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under; the United States.

14) **Title 28 U.S.C. § 1651 - "Writs"**

The Supreme Court and all Courts established by Act of Congress may issue Writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principals of law.

An alternative writ or rule nisi may be issued by a justice or judge of a Court which has jurisdiction.

15) **Title 42 U.S.C. § 1983 "Deprivations of Rights"**

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or cause to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of

this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

16) **Title 42 U.S.C. § 1985(3)- "Conspriacy of Rights"**

Depriving persons of rights or privileges. If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any state or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

17) **Title 42 U.S.C. § 1986 -"Knowledge of Law"**

Every person who, having knowledge that any of the wrongs

conspired to be done, and mentioned in section 1985 of this Title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects of refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action of the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000.00 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

III. Supreme Court of United States Practice Rules

18) **Rule 10** - Review on a writ of certiorari is not a matter of right, but judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another court of last resort or of a United States Court of Appeals.

19) **Rule 15** - Any brief in oposition shall be filed within 30 days after the case is placed upon the docket, unless time is extended

by the Court or a Justice.

IV. Federal Rules of Civil Procedure

20) **Rule 8(a) - "Claims for Relief"**

A pleading which sets forth a claim for relief, whether an original claim, counter claim, cross-claim, or third party claim shall contain (1) a short plain statement of the grounds upon which the court's jurisdiction depends, unless court already has jurisdiction to support it; (2) a short plain statement of the claim showing that the pleader is entitled to relief and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.

21) **Rule 8(b) - "Defenses; Form of Denials"**

A Party shall state in short and plain terms the Party's defenses to each claim asserted and shall admit or deny the averments upon which the adverse Party relies. If a Party is without knowledge or information sufficient to form a belief as to the truth of an averment, the Party shall so state and this shall has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a Pleader intends in Good Faith to deny only a Part or a qualification of an averment, the pleader shall so specify so much of it as it is true and material and shall deny only the remainder. Unless the pleader intends in Good Faith to controvert all the averments of the preceding pleading, the pleader may make denials as specific denials of designated averments or paragraphs or may generally deny all the averments except such designated averments or paragraphs as the

Appendix F

pleader expressly admits; but, when the pleader does so intend to controvert all its averments, including averments of the grounds upon which the court's jurisdiction depends, the pleader may do so by general denial subject to the obligations set forth in Rule 11.

22) **Rule 8(c) - "Affirmative Defenses"**

In a pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfication, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statutes of fraud, statute of limitations, waiver and any other matter constituting avoidance or affirmative defenses. When a Party has mistakenly designated a defense as a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

23) **Rule 8(d) - "Effect of Failing to Deny"**

Averments within a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

24) **Rule 12(b)(1)** - Jurisdiction over Subject Matter.

25) **Rule 12(b)(2)** - Jurisdiction over Parties

26) **Rule 55(a) - "Judgment by Default"**

(a) Entry

Appendix F

When a party against whom a judgment for affirmative relief is sought has failed to answer, plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.